

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMIA DIXON,

Plaintiff,

v

Civil Action 01 70119

HON. ARTHUR J. TARNOW
U.S. District Judge

MAGISTRATE JUDGE THOMAS A.
CARLSON

CHRIS CAMPBELL, GEOFFEY FOX,
MATTHEW BERCHART, COREY MILLS,
and TODD HENDRICKS, jointly and
severally,

Defendants.

POSNER, POSNER AND POSNER
By: Samuel Posner - P 19025
and Eric D. Frey - P 36390
Attorneys for Plaintiff

REACH, RANNEY & CARPENTER, P.C.
By: Ian James Reach - P 25316
Attorneys for Defendants

FILED
JAN 10 A 11:26
U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PLAINTIFF'S MOTION TO ALLOW FILING AND
CONSIDERATION OF LATE ANSWER TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

NOW COMES the plaintiff, SAMIA DIXON, by and through her attorneys, Posner, Posner, and Posner, and hereby states as follows:

1. This case involves allegations by the plaintiff of violation of her civil rights at the hands of defendant police officers as a result of an arrest that took place in February of 1999.

2. At the close of discovery, defendants filed a motion for summary judgment.

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3. Plaintiff is late in answering this motion for summary judgment for the reason that plaintiff's counsel was involved in five (5) jury trial back-to-back-to-back-to-back in Wayne County Circuit Court and in 36th District Court in Detroit.

4. As the Court will note, the attached answer is brief and concedes many of the matters raised by defendants.

5. The only issue remaining is whether or not the defendants were properly styled in the caption to place on notice and/or whether or not case law indicates that they were placed on notice that they were being sued under individual capacity.

For these reasons, plaintiff would respectfully request that the Court allow this brief late answer to defendants' motion for summary judgment.

POSNER, POSNER AND POSNER

Eric D. Frey

By: Samuel Posner - P 19029
and Eric D. Frey - P 36390
Attorneys for Plaintiff
1400 Penobscot Building
Detroit, Michigan 48226
965-7784

FILED
JAN 10 AM 11:26

DATED: JANUARY 9, 2002

AFFIDAVIT IN SUPPORT OF MOTION

Eric D. Frey certifies that he is one of the attorneys for the plaintiff herein, that he has read the contents of the foregoing motion, and the same are true to the best of his own knowledge, except as to matters asserted therein to be upon information and belief, and as to those matters he believes them to be true.

I declare that the above statements are true to the best of my information, knowledge and belief. MCR 2.114(A)(2)(b).

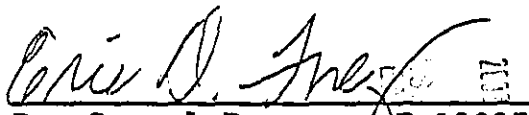

Eric D. Frey

NOTICE OF HEARING

To: Ian James Reach, Esq.
Attorney for Defendants,

Please be advised that the attached motion to allow late filing of answer to motion for summary judgment will be brought on to be heard on a date and time to be set by the Court.

POSNER, POSNER AND POSNER


By: Samuel Posner - P 19025
and Eric D. Frey - P 36390
Attorneys for Plaintiff
1400 Penobscot Building
Detroit, Michigan 48226
965-7784


FILED
JAN 10 11:26

DATED: JANUARY 9, 2002

PROOF OF SERVICE

Nadia L. Davis certifies that on the 9th day of January, 2002 she served a copy of Plaintiff's Motion to Allow Late Filing and Consideration of Answer to Motion for Summary Judgment, Affidavit in Support of Motion, Notice of Hearing and a copy of this proof of service upon counsel for defendant, Ian James Reach, Esq., at counsel's address at 121 W. Washington Street, Suite 400, Ann Arbor, Michigan 48104 by Federal Express.

I declare that the above statements are true to the best of my information, knowledge and belief. MCR 2.114(A)(2)(b).


Nadia L. Davis